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HaRav Yosef Grossman zt"l

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## DEATH ROW: MAY ONE GIVE AWAY HIS LIFEBOAT TICKET?

Adapted from the writings of Dayan Yitzhak Grossman

JNS reports:

"Where you go, I go," Ida Straus told her husband, Isidor, aboard the RMS *Titanic* in April 1912. With lifeboats available for women and children first, men had to wait. Given a chance for a seat due to his wealth and status, Isidor refused a place on a boat. Though she could have gotten on a lifeboat and lived, Ida chose to share the fate of her husband. Both drowned.

Ida's fateful choice is included in "Titanic: The Exhibition," now open near Union Square in Manhattan. The exhibit features a large picture of the two first-class passengers as well as a monument of Isidor, a co-owner of Macy's who served for just over one year in Congress, as a Democrat representing New York's 15th district.<sup>1</sup>

"Women and children first" was a chivalric ideal without basis in maritime law, and "despite its prominence in the popular imagination, the doctrine was unevenly applied."<sup>2</sup> To the best of this author's knowledge, such a doctrine has no basis at all in Torah law or ethics; on the contrary, the Mishnah in Horayos says that saving the life of a man takes precedence over saving that of a woman.<sup>3</sup>

As we have previously noted, various commentaries explain that precedence as based on the man's being obligated in all the mitzvos while the woman is exempt from time-triggered positive ones.<sup>4</sup> We have also noted that some contemporary authorities assume that this rule, along with the other similar ones

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<sup>2</sup> Wikipedia contributors. Women and children first. In Wikipedia, The Free Encyclopedia. [https://en.wikipedia.org/w/index.php?title=Women\\_and\\_children\\_first&oldid=1112905471](https://en.wikipedia.org/w/index.php?title=Women_and_children_first&oldid=1112905471).

<sup>3</sup> Horayos 13a.

<sup>4</sup> First Things First: Parsing Prioritization Policy Proposals. Bais HaVaad Halacha Journal. Jan. 14, 2021.



### PARSHAS VAYEITZEI

#### KISSLESSNESS

Excerpted and adapted from a shiur by  
HaRav Yechiel Biberfeld

And Lavan arose early in the morning and kissed his sons and daughters and blessed them...

Bereishis 32:1

The Rama (O.C. 98:1) writes that one is forbidden to kiss his young children in shul, to instill in his heart that there is no love like the love of Hashem. According to the Orach Ne'eman (O.C. 98:5), this halacha applies in shul at any time, not only during davening,<sup>1</sup> and one may not kiss older children in shul either. R' Moshe Feinstein is reported<sup>2</sup> to have disagreed about the first point and observed that since the Rama codifies this halacha in Hilchos *Tfilah* and not in Hilchos *Bais Haknesses*, the *issur* applies only during davening.

The She'arim Behalacha notes that the Gra (O.C. 98) in connection with that Rama references a Zohar: A *talmid* should not recite the Amidah behind his *rebbe*, because it will appear when he bows that he is showing more respect to his *rebbe* than to Hashem. Since the Zohar specifically refers to the Amidah, it would seem to

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<sup>1</sup> R' Yitzchak Zilberstein (Aleinu Leshabeich, Shmos p. 579) allows a father to kiss his injured and crying child, because he is trying to calm him rather than express love.

<sup>2</sup> See Meged Gi'vos Olam by R' Michel Shurkin (Vol. 1 p. 92).

### Lunch Liquid

**Q** I work outdoors and often don't have access to water for *netilas yadayim*. May I use snow, ice, or slush? What about beverages like juice, coffee, or seltzer?

**A** The ideal substance for *netilas yadayim* is water. The Shulchan Aruch (O.C. 160:12) cites two views about alternatives: One permits all liquids even *lechat'chilah* (except wine, which is only *bedieved*), and the other allows them in a *she'as hadchak* (e.g., if you're hungry without access to water). The Mishnah Brurah says to follow the

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in Horayos, are not followed today, though the reason for this is unclear.<sup>5</sup>

Isidor's apparent noble refusal to accept a place on a lifeboat to which he did not consider himself entitled would seem to be correct according to the Torah<sup>6</sup> (at least if his assumption of not being entitled to a place was correct), but Ida's insistence on sharing her husband's fate, despite being couched in Biblical language,<sup>7</sup> is problematic.

As we recently discussed in this forum in the context of hunger strikes, the Torah does not grant an individual absolute autonomy regarding his own life. One is obligated to preserve it whether he wants to or not,<sup>8</sup> so throwing it away out of a desire to remain and die together with one's spouse would seem to be generally prohibited. (Of course, it is difficult to judge people for decisions made in extremis.)

Ida Straus's decision to remain on board *Titanic* is complicated by the fact that the ship did not have enough lifeboats for everyone on board,<sup>9</sup> so her relinquishing a spot may have enabled someone else to survive in her stead.<sup>10</sup> There is considerable halachic debate over the morality of giving up one's life to save another: As we have previously discussed, many authorities maintain that it is wrong to even just *risk* one's life to save that of another, others consider it permitted, and still others rule that it is obligatory.<sup>11</sup> The morality of giving up one's life outright so that someone else may live is also the subject of dispute.<sup>12</sup> It is clear that there is no obligation to do so, due to the fundamental principle that "your life takes precedence over the life of your friend

(*chayecha kodmim*),<sup>13</sup> but R' Chaim ibn Atar (the Or Hachaim) suggests that doing so is indeed a mitzvah, or at least permitted,<sup>14</sup> whereas R' Yaakov Emden considers it obvious that this is forbidden:

It also seems obvious that one is not permitted to give himself up to be killed in order to save his friend, out of simple desire and out of love that does not depend on anything,<sup>15</sup> unless he knows with certainty that his friend is a greater *talmid* chacham, *kasher*, and *tzadik* than himself...<sup>16</sup> And therefore he may not in such a manner save even his only son whom he loves— unless the father is elderly, such that he can no longer fulfill the commandment of procreation (*pru urvu*), in which case it seems proper to be lenient when the son is at least a person who is *kasher*. This is so even if he is not as great as his father and cannot fill his place, or a young child who has not yet become estranged by his actions (*hisnaker bema'alalav*).<sup>17</sup>

R' Moshe Feinstein goes even further than R' Yaakov Emden: He prohibits giving up one's life to save another even if an ignoramus (*am ha'aretz*) is proposing to do so in favor of someone who is a *talmid* chacham and a man of deeds (*ba'al ma'asim*).<sup>18</sup>

Accordingly, whether Ida Straus was doing a mitzvah or an *aveirah* by relinquishing her lifeboat seat (assuming that by doing so she was enabling someone else to survive) would seem to be a matter of dispute among halachic authorities.<sup>19</sup>

5 First Principles: Who Gets the Vaccine? Bais HaVaad Halacha Journal, Dec. 31, 2020.

6 See Chazon Ish Y.D. *siman* 69 s.k. 2.

7 Rus 116.

8 Striking Out: Force-Feeding in Halacha. Bais HaVaad Halacha Journal, Sep. 9, 2022.

9 Wikipedia contributors. Lifeboats of the Titanic. In Wikipedia, The Free Encyclopedia. [https://en.wikipedia.org/w/index.php?title=Lifeboats\\_of\\_the\\_Titanic&oldid=1120030230](https://en.wikipedia.org/w/index.php?title=Lifeboats_of_the_Titanic&oldid=1120030230).

10 Whether this was actually so is unclear. According to Wikipedia: "[Titanic Captain Edward] Smith had ordered his officers to put the 'women and children in and lower away.' However, [First Officer William McMaster] Murdoch and [Second Officer Charles] Lightoller interpreted the evacuation order differently: Murdoch as women 'and children first, while Lightoller as women and children only. Lightoller lowered lifeboats with empty seats if there were not any women and children waiting to board, while Murdoch only allowed a limited number of men to board if all the nearby women and children had already embarked. This had a significant effect on the survival rates of the men aboard Titanic, whose chances of survival came to depend on which side of the ship they tried to find lifeboat seats."

11 III, Prepared: Avoiding Something like the Plague, Part II. Bais HaVaad Halacha Journal, Mar. 12, 2020. Organ Meets: The Changed Landscape of Living Kidney Donation. Bais HaVaad Halacha Journal, Mar. 18, 2022.

12 In addition to the sources cited below, see Shu"t Halachos Ketanos *cheilek* 1 *siman* 229; Shu"t Mishpat Kohain *siman* 143 from sv. *Ve'hinei mah shenir'eh lichvod Taraso dezeh pashut* and *siman* 144 ss 15; R' Hillel Meyers, *Chayecha Kodmim—Reshus O'Chovah?*; *Chayecha Kodmin/Hakravah Atzmit Lehatzalas Hazulas*.

13 Bava Metzia 62a.

14 Rishon LeTziyon Y.D. *siman* 247 end of se'if 1.

15 Avos 51b.

16 His source for this is Sefer Chasidim *siman* 698.

17 Migdal Oz, Even Bochein, *pinah* 1 os 85.

18 Shu"t Igros Moshe Y.D. *cheilek* 2 *siman* 174 anaf 4 from sv. *Ve'af*, and cf. Mishnas Pikuach

Nefesh (Lornicz) *siman* 78.

Another authority that forbids giving up one's life to save another is Shu"t Chavaim

Ba'ne'imim *cheilek* 3 *siman* 108.

19 Although her motivation may not have been the altruistic goal of saving someone else's life at the expense of her own, the correctness of an action according to halacha does not generally hinge upon intention, with certain exceptions. A more detailed analysis of this point is beyond the scope of this article.

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support R' Moshe's view that the prohibition of kissing children in shul applies only during davening.

Rashi (Avodah Zarah 17a) writes that children would kiss their parents or other elders when they exited the shul after

davening. The Bais Yisrael infers that this is allowed in shul, because it demonstrates *kavod* to individuals as required by the Torah, and it is not considered an affront to Hashem's honor. Similarly, the Ben Ish Chai (Year 1, Vayikra 11) writes that it was customary in Baghdad for the congregants to kiss the

chacham after davening to show him honor. But he does state that one should not kiss others, on account of the Rama. Accordingly, he would forbid kissing a *ba'al* simcha or bar mitzvah boy in shul.<sup>3</sup>

3 Other Sephardi poskim, like the Or LeTziyon (Vol. 2, 455f), write that adults who kiss each other after an *oliyah* have upon whom to rely.

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stringent view.

Drinks prepared from water, like coffee, tea, and soda, are preferable to natural fruit juices. If anything other than water is used, a *bracha* is not recited (Sha'ar Hatziyun ibid. 69).



RAV ARVEH FINKEL

According to some, a *bracha* may be made when using a clear water-based beverage like Sprite or Seven-Up, because it resembles water (Shu"t Or LeTziyon 2:46). Seltzer, even flavored, is considered water, and may be used even *lechat'chilah* (Or LeTziyon ibid.).

If water becomes available during the meal, one should wash again without a *bracha* (Sha'ar Hatziyun ibid.).

Ice cubes and snow are unusable even *bedieved*, because they don't cover the whole hand. (S.A. O.C. 160:12; see M.B.). The Shulchan Aruch implies that snow that is pulverized until it pours like water may be used *bedieved* if there is no water, and that would apply equally to slush.

Snow that is unsuited to *netilas yadayim* may be used in a *she'as hadchak* for *tvilas yadayim*—dipping the hands into a mikveh or a body of water containing forty *se'ah* in lieu of *netilah*, provided that there is a contiguous forty *se'ah* of snow and it is deep enough to cover the hands (M.B. ibid. 58). But a *bracha* should not be made, as this is a matter of debate among the *poskim* (see Piskei Teshuvos 20 note 78).



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